

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT**

IN THE MATTER OF:
MELISSA ANN VANN

CHAPTER 13
CASE NO. 22-46542-MAR
JUDGE MARK A RANDON

Debtor
_____ /

**TRUSTEE'S MOTION TO DISMISS FOR FAILURE TO MAKE PAYMENTS AND FOR FAILURE
TO REMIT TAX REFUNDS TO THE TRUSTEE**

NOW COMES the Chapter 13 Trustee, Krispen S. Carroll, and moves this Honorable Court for dismissal of the above-captioned matter pursuant to 11 U.S.C. §1307 (c) and in support thereof states as follows:

1. This motion is brought pursuant to 11 U.S.C. §1307 (c)(6).
2. This Chapter 13 case was confirmed on November 12, 2022 and is set to expire on November 12, 2025.
3. That the Debtor's failure to make payments is a material default in the terms of the confirmed Chapter 13 plan for which dismissal or conversion of the case is appropriate
4. That under the terms of the Debtor's confirmed Chapter 13 Plan, as last modified, if any, Section V.W, the Debtor was obligated to serve the Chapter 13 Trustee all required Federal Income Tax Returns.

5. That under the terms of the Debtor's confirmed Chapter 13 Plan, as last modified, if any, section II.C, the Debtor was obligated to remit a portion of tax refunds to which they became entitled to during the pendency of the Chapter 13 Plan.
6. That based upon information and belief, the Debtor has not served tax returns/remitted refunds to the Trustee as ordered by this Honorable Court.
7. That the Debtor's failure to serve the tax returns/remit the tax refunds is a material default in the terms of the confirmed Chapter 13 Plan for which dismissal or conversion is appropriate.
8. The Chapter 13 Trustee sought concurrence of debtor's counsel in the relief requested on June 17, 2024, but at the time of filing this motion, such concurrence had not been given.

WHEREFORE, the Chapter 13 Trustee requests this Honorable Court dismiss the above captioned matter due to a material default in the terms of the Confirmed Plan.

OFFICE OF THE CHAPTER 13 STANDING TRUSTEE-DETROIT
Krispen S. Carroll, Chapter 13 Standing Trustee

June 27, 2024

/s/ KRISPEN S. CARROLL

KRISPEN S. CARROLL (P49817)
719 Griswold Street, Suite 1100
Detroit, MI 48226
(313) 962-5035
notice@det13ksc.com

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/

ORDER DISMISSING CASE

This matter having come to be heard upon the Trustee's Motion to Dismiss for Failure to Make Payments and for Failure to Remit Tax Refunds to the Trustee filed pursuant to 11 U.S.C. §1307 (c)(6), notice having been duly give and an opportunity for hearing having been provided, and based upon the records of the court herein, the Court finds that the relief requested is warranted, and the Court being otherwise sufficiently advised in the premises;

IT IS HEREBY ORDERED that the Chapter 13 Case of the Debtor herein be and the same hereby is dismissed for the failure to make the payments and failure to serve tax returns/remit tax refunds as required under the Chapter 13 Plan, which constitutes a material default in the

IT IS FURTHER ORDERED that the Clerk of the Court shall immediately provide notice of the entry of this order to all creditors listed in this case, the Debtor, Debtor's attorney, if any, and the Trustee;

IT IS FURTHER ORDERED that Krispen S. Carroll, Trustee, is discharged as Trustee and the Trustee and her surety is released from any and all liability on account of the within proceeding;

U.S. BANKRUPTCY JUDGE

EXHIBIT "A"

JB

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT**

In re
MELISSA ANN VANN

CHAPTER 13
CASE NO. 22-46542-MAR
JUDGE MARK A RANDON

Debtor

Address

26916 ANDOVER ST
INKSTER, MI 48141-3186

Last four digits of Social Security or Individual Tax-payer Identification
(ITIN) No(s), (if any): 0507

Employer's Tax Identification (EIN) No(s), (if any): _____

NOTICE OF TRUSTEE'S MOTION TO DISMISS

The Chapter 13 Trustee has filed papers with the court to dismiss the above-captioned case.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult with one.)

If you do not want the court to dismiss the above-captioned case or if you want the court to consider your views on the Trustee's motion, within 14 days, you or your attorney must:

1. File with the court a written response or an answer, explaining your position at (1):

**United States Bankruptcy Court
211 W. Fort Street, Suite 2100
Detroit, MI 48226**

If you mail your response to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above. All attorneys are required to file pleadings electronically.

You must also send a copy to:

**OFFICE OF THE CHAPTER 13 TRUSTEE - DETROIT
ATTN: MOTION DEPARTMENT**

719 Griswold Street, Suite 1100
Detroit, MI 48226

2. If a response or answer is timely filed and served, the clerk will schedule a hearing on the Motion and you will be served with a notice of the date, time and location of the hearing.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

OFFICE OF THE CHAPTER 13 STANDING TRUSTEE-DETROIT
Krispen S. Carroll, Chapter 13 Standing Trustee

June 27, 2024

/s/ KRISPEN S. CARROLL

KRISPEN S. CARROLL (P49817)
719 Griswold Street, Suite 1100
Detroit, MI 48226
(313) 962-5035
notice@det13ksc.com

¹ Response or answer must comply with F.R.Civ.P.8(b), (c) and (e)

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CERTIFICATE OF MAILING

I hereby certify that on the date indicated below, I electronically filed **TRUSTEE'S MOTION TO DISMISS, NOTICE OF TRUSTEE'S MOTION TO DISMISS and CERTIFICATE OF MAILING** with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

ROBERT KEYES LAW PLLC
300 NORTH HURON STREET
YPSILANTI, MI 48197

and I hereby certify that I have mailed by United States Postal Service the above mentioned documents to the following non-ECF participants:

Melissa Ann Vann
26916 Andover St
Inkster, MI 48141-3186

June 27, 2024

/s/ Jamie Basharra

JAMIE BASHARRAH

For the Office of the Chapter 13 Trustee-Detroit

719 Griswold Street, Suite 1100

Detroit, MI 48226

(313) 962-5035

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